

Assembly Bill No. 249

CHAPTER 19

An act to amend Sections 1343 and 1345 of the Penal Code, relating to criminal procedure.

[Approved by Governor June 6, 1997. Filed with
Secretary of State June 6, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

AB 249, Cunneen. Criminal procedure: conditional examination: recorded testimony.

Existing law authorizes the conditional examination of a witness in specified cases, requires that the testimony of the witness be reduced to writing and authenticated in the same manner as that taken in support of an information, and provides that the deposition or a certified copy may be read in evidence by either party if the court finds that the witness is unavailable.

This bill would authorize the testimony of a witness conditionally examined to be video-recorded and would provide that the recording may be shown by either party at trial if the court finds that the witness is unavailable.

The people of the State of California do enact as follows:

SECTION 1. Section 1343 of the Penal Code is amended to read:

1343. The testimony given by the witness shall be reduced to writing and authenticated in the same manner as the testimony of a witness taken in support of an information. Additionally, the testimony may be video-recorded.

SEC. 2. Section 1345 of the Penal Code is amended to read:

1345. The deposition, or a certified copy of it, may be read in evidence, or if the examination was video-recorded, that video-recording may be shown by either party at the trial if the court finds that the witness is unavailable as a witness within the meaning of Section 240 of the Evidence Code. The same objections may be taken to a question or answer contained in the deposition or video-recording as if the witness had been examined orally in court.

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